

Court of Appeals, State of Michigan

ORDER

Kenneth Martin v Melissa Martin

Docket No. 295902

LC No. 02-213859-DM

Kurtis T. Wilder
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

In lieu of granting the delayed application, the Court orders, pursuant to MCR 7.205(D)(2), that the June 24, 2009, order of the Wayne Circuit Court assessing child support for the period of January 1, 2007 through December 31, 2007, hereby is VACATED. Generally, a child support order cannot be retroactively modified. *Harvey v Harvey*, 237 Mich App 432, 437-438; 603 NW2d 302 (1999).

The Court further orders that the June 24, 2009, order assessing child support retroactively to January 1, 2008, is REVERSED IN PART. The circuit court is directed to amend the order to reflect a support effective date of February 10, 2009, the date defendant filed the motion regarding child support. Retroactive modification of a support order is permissible only from the date that notice of the petition was given to the payer or recipient of support. MCL 552.603.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 11 2010

Date

Sandra Schultz Mengel
Chief Clerk